

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Examiner: Konata M. George

Syed F.A. Hossainy et al.

Serial No.:

10/751,043

Art Unit: 1616

Filed:

January 2, 2004

Title:

COATING FOR IMPLANTABLE DEVICES AND A METHOD OF

FORMING THE SAME

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. §§1.97-1.98

## Dear Examiner:

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and pursuant to 37 C.F.R. §\$1.97-1.98, Applicants hereby notify the U.S. Patent and Trademark Office of the references listed on the attached Form PTO-1449. According to a Notice signed July 11, 2003, the U.S. Patent and Trademark Office has waived the requirement under 37 C.F.R. § 1.98(a)(2)(i) for all patent applications filed after June 30, 2003. Since this patent application was filed after June 30, 2003, Applicants have not provided copies of the cited U.S. patents or the U.S. Patent Application Publications. Copies of the cited foreign patent documents and non-patent documents have been submitted herewith.

The submission of the listed documents is not intended as an admission that any such documents constitutes prior art against the claims of the present application. Applicants reserve the right to dispute the listed documents as prior art during examination. Furthermore, Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. The submission of this Supplemental Information Disclosure Statement is not to be

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construed as a representation that a search has been made or that no other material information may exist.

The Examiner is requested to initial the enclosed Form PTO-1449 and return a copy thereof to the undersigned.

The present Supplemental Information Disclosure Statement is being submitted after receiving an Office Action and after three months of the filing date of the above-identified application. Therefore, the fee of \$180.00 as specified in 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) is authorized to be charged to Deposit Account No. 07-1850.

Date: December , 2005

SQUIRE, SANDERS & DEMPSEY L.L.P. One Maritime Plaza, Suite 300 San Francisco, CA 94111 Telephone (415) 954-0200 Facsimile (415) 393-9887 Respectfully submitted,

Brian S. Boyer, Ph.D. Attorney for Applicants

Reg. No. 52,643

PTO/SB/21 (08-00) DEC 0 6 2005 Please type a plus sign (+) inside this box -> + Approved for use through 10/31/2002. OMB 0651-0031 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Thder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. STATUBELY BENEFIT **Application Number** 10/751,043 TRANSMITTAL **Filing Date** January 2, 2004 **FORM First Named Inventor** Syed F.A. Hossainy (to be used for all correspondence after initial filing) Group Art Unit **Examiner Name** George Konata Total Number of Pages in This Submission 14 Attorney Docket Number 50623.362 (excluding references) ENCLOSURES (check all that apply) Deposit Account 07-1850 After Allowance Communication to Assignment Papers Authorization (for an Application) Appeal Communication to Board of Drawing(s) In/Formal Sheets with Fee Attached Submission of Drawings Transmittal Appeals and Interferences Appeal Communication to Group Amendment / Response Licensing-related Papers (Appeal Notice, Brief, Reply Brief) After Final Petition **Proprietary Information** Petition to Convert to a Affidavits/declaration(s) **Provisional Application** Power of Attorney, Revocation Other Enclosure(s) Postage Paid Postcard Change of Correspondence Address 99 References Information Disclosure Statement \_\_\_ Terminal Disclaimer (in duplicate) (2 pages) with Form Request for Refund PTO-1449 (7 pgs) citing 170 References Fee Transmittal (in duplicate) CD, Number of CD(s) Recordation Form Cover Sheet Remarks Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Squire, Sanders & Dempsey L.L.P. Brian S. Boyer, Ph.D. Reg. No. 52,643

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a box addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: December 2005 Typed or printed name Vera Breder Signature len Date December 2, 2005 ur

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December 2, 2005

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Individual name

Signature

Date

PART STORE

## FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

180.00

|                      | Complete if Known  |  |  |  |  |
|----------------------|--------------------|--|--|--|--|
| Application Number   | 10/751,043         |  |  |  |  |
| Filing Date          | January 2, 2004    |  |  |  |  |
| First Named Inventor | Syed F.A. Hossainy |  |  |  |  |
| Examiner Name        | George Konata M    |  |  |  |  |
| Art Unit             | 1616               |  |  |  |  |
| Attorney Docket No.  | 50623.362          |  |  |  |  |

| MET                                      |  |          |           | FEE C       | ALCULATION (continued) |  |          |
|--|--|----------|-----------|-------------|------------------------|--|----------|
| ☐ Check ☐ C                              | 3. ADI   | DITIONA  | L FEES    |             | - ·- <del>-</del>      |  |          |
| Check C                                  | Large  | Entity   | Small I   | Entity      |                        |  |          |
| ☑ Deposit Accou                          | Fee  | Fee      | Fee       | Fee         |                        |  |          |
| Deposit                                  |  | Code     | (\$)      | Code        | (\$)                   | •  | Fee Paid |
| Account                                  | 07-1850  | 1051     | 130       | 2051        | 65                     | Surcharge - late filing fee or oath  |          |
| Number                                   |  | 1052     | 50        | 2052        | 25                     | Surcharge - late provisional filing fee or cover sheet.                    |          |
| Deposit                                  |  | 1053     | 130       | 1053        | 130                    | Non-English specification  |          |
| Account<br>Name                          | Squire, Sanders & Dempsey L.L.P.                                   | 1812     | 2,520     | 1812        | 2,520                  | For filing a request for reexamination                                     |          |
|  | Ithorized to: (check all that apply)                               | 1804     | 920*      | 1804        | 920*                   | Requesting publication of SIR prior to<br>Examiner action                  |          |
| □ Charge fee(s) in      □ Charge any add | ndicated below   | 1805     | 1,840*    | 1805        | 1,840*                 | Requesting publication of SIR after Examiner action                        |          |
|  | ndicated below, except for the filing fee<br>fied deposit account. | 1251     | 110       | 2251        | 55                     | Extension for reply within first month                                     |          |
| to the above-identi                      | FEE CALCULATION  | 1252     | 420       | 2252        | 205                    | Extension for reply within second month                                    |          |
| 1. BASIC FILI                            | NG FEF   | 1253     | 950       | 2253        | 465                    | Extension for reply within third month                                     |          |
| Large Entity S                           | Small Entity   | 1254     | 1,480     | 2254        | 725                    | Extension for reply within fourth month                                    |          |
|  | ee Fee <u>Fee Description</u><br>ode (\$)                          | 1255     | 2,010     | 2255        | 985                    | Extension for reply within fifth month                                     |          |
|  | 001 385 Utility filing fee   | 1401     | 330       | 2401        | 160                    | Notice of Appeal   |          |
| 1002 330 20                              | 002 165 Design filing fee  | 1402     | 330       | 2402        | 160                    | Filing a brief in support of an appeal                                     |          |
| 1003 520 20                              | 003 260 Plant filing fee   | 1403     | 290       | 2403        | 140                    | Request for oral hearing   |          |
|  | 004 375 Reissue filing fee   | 1451     | 1,510     | 1451        | 1,510                  | Petition to institute a public use proceeding                              |          |
| 1005 160 20                              | 005 80 Provisional filling fee                                     | 1452     | 110       | 2452        | 55                     | Petition to revive – unavoidable   |          |
|  | SUBTOTAL (1) (\$)  | 1453     | 1,300     | 2453        | 650                    | Petition to revive – unintentional   |          |
|  |  | 1501     | 1,330     | 2501        | 650                    | Utility issue fee (or reissue)   |          |
| 2. EXTRA CLAIM                           |  | 1502     | 470       | 2502        | 235                    | Design issue fee   |          |
|  | Extra Fee from Fee<br>Claims below Paid                            | 1503     | 630       | 2503        | 315                    | Plant issue fee  |          |
| Total Claims                             | -20 ** = X 18 =  | 1460     | 130       | 1460        | 130                    | Petitions to the Commissioner  |          |
| Independent                              |  | 1807     | 50        | 1807        | 50                     | Processing fee under 37 CFR 1.17 (q)                                       |          |
| Claims                                   | -3** = X 86 =  | 1806     | 180       | 1806        | 180                    | Submission of Information Disclosure Stmt                                  | 180      |
| Multiple Dependent  Large Entity         | X 0 = Small Entity   | 8021     | 40        | 8021        | 40                     | Recording each patent assignment per property (times number of properties) |          |
| Fee Fee<br>Code (\$)                     | Fee Fee Code (\$)  | 1809     | 750       | 2809        | 375                    | Filing a submission after final rejection                                  |          |
| 1202 18                                  | 2202 9 Claims in excess of 20                                      | 1810     | 750       | 2810        | 375                    | (37 CFR § 1.129(a)) For each additional invention to be                    | $\vdash$ |
| 1201 84                                  | 2201 42 Independent claims in excess of 3                          | 1010     | /30       | 2010        | 3/3                    | examined (37 CFR § 1.129(b))   |          |
| 1203 280                                 | 2203 140 Multiple dependent claim, if not paid                     | 1801     | 770       | 2801        | 385                    | Request for Continued Examination (RCE)                                    |          |
| 1204 84                                  | 2204 42 ** Reissue independent claims over<br>original patent      | 1802     | 900       | 1802        | 900                    | Request for expedited examination  |          |
| 1205 18                                  | 2205 9 ** Reissue claims in excess of 20 and over original patent  |          |           |             |                        | of a design application  |          |
|  | •  | Other fe | e (specif | fy)         |                        |  |          |
|  | SUBTOTAL (2) (\$).00   | *Dades   | ad by Ba  | scio Eilisa | . Eac Pa               | sid CURTOTAL (2)   |          |
| **or number previ                        | ously paid, if greater; For Reissues, see above                    | Reduc    | eu by Ba  | asic Filing | , ree Pa               | subtotal (3) (\$)180   | .00      |
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| SUBMITTED BY Complete (if a) |                       |                                  |        |           |                 |  |
|------------------------------|-----------------------|----------------------------------|--------|-----------|-----------------|--|
| Name (Print/Type)            | Brian S. Boyer, Ph.D. | Registration No. Attorney/Agent) | 52,643 | Telephone | (415) 954-0200  |  |
| Signature                    |                       | Dayer                            |        | Date      | December , 2005 |  |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FORM PTO-1449 (Modified)

US DEPARTMENT OF

COMMERCE
US Patent and Trademark Office

Docket No. 50623.362

Application No. 10/751,043

ONEORMATION DISCLOSURE CITATION in an Application

Applicant

Syed F.A. Hossainy et al.

(Use several sheets if necessary) Filing Date

January 2 200

Group Art Unit

|                       | ) <b>6</b> 7003 | 8                  |                   | January 2, 200  | 04    | . 16     | 316                           |
|-----------------------|-----------------|--------------------|-------------------|-----------------|-------|----------|-------------------------------|
| U.S. PATENT DOCUMENTS |                 |                    |                   |                 |       |          |                               |
| Examiner<br>Initial   | Ref. No.        | Document<br>Number | Date of<br>Patent | Name            | Class | Subclass | Filing Date if<br>Appropriate |
|                       | A1              | 2,072,303          | 3/2/37            | Herrmann et al. |       |          |                               |
|                       | A2              | 3,929,992          | 12/30/75          | Sehgal et al.   |       |          |                               |
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|                     |   | II S DATE   | NT APPLICATI  | ON PUBLICATION DOC  | LIMENTS |          | •            |         |
| Examiner            | Ref. No.  | Document  | Date of   | Name  | Class   | Subclass | Filing       | Date if |
| Initial             |   | Number  | Publication   |   |         |          |              | priate  |
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|                     | ++  | 2002/0016625  | 2/07/02<br>FOREIGN PA   | Falotico et al.   | Class   | Subclass | Trans        | lation  |
| Examiner<br>Initial | A71   | 2002/0016625  Document Number   | 2/07/02 FOREIGN PA  Date of Publication   | Falotico et al.  ATENT DOCUMENTS  Country   | Class   | Subclass | Trans<br>Yes | lation  |
|                     | A71  Ref. No.   | 2002/0016625  Document Number 2001-190687   | 2/07/02 FOREIGN PA  Date of Publication 7/17/01   | Falotico et al.   | Class   | Subclass | Trans        | lation  |
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|                     | Ref. No.  B1  B2  B3  | Document Number 2001-190687 EP 0 323 042 EP 0 401 747   | 2/07/02 FOREIGN PA  Date of Publication 7/17/01 7/05/89 12/12/90  | Falotico et al. ATENT DOCUMENTS Country  Japan (Abstract) EPO                                     | Class   | Subclass | Trans<br>Yes | lation  |
|                     | Ref. No.  B1  B2  B3  B4                                    | Document Number 2001-190687 EP 0 323 042 EP 0 401 747 EP 0 414 632  | 2/07/02  FOREIGN PA  Date of Publication 7/17/01 7/05/89 12/12/90 2/27/91   | Falotico et al. ATENT DOCUMENTS  Country  Japan (Abstract)  EPO  EPO  EPO                         | Class   | Subclass | Trans<br>Yes | lation  |
|                     | Ref. No.  B1  B2  B3  B4  B5                                | Document Number 2001-190687 EP 0 323 042 EP 0 401 747 EP 0 414 632 EP 0 475 230   | 2/07/02  FOREIGN PA  Date of Publication  7/17/01  7/05/89  12/12/90  2/27/91  3/18/92  | Falotico et al. ATENT DOCUMENTS  Country  Japan (Abstract)  EPO  EPO  EPO  EPO  EPO               | Class   | Subclass | Trans<br>Yes | lation  |
|                     | Ref. No.  B1  B2  B3  B4  B5  B6                            | Document Number 2001-190687 EP 0 323 042 EP 0 401 747 EP 0 414 632 EP 0 475 230 EP 0 875 218  | 2/07/02  FOREIGN PA  Date of Publication  7/17/01  7/05/89  12/12/90  2/27/91  3/18/92  4/11/98   | Falotico et al. ATENT DOCUMENTS Country  Japan (Abstract) EPO EPO EPO EPO EPO EPO                 | Class   | Subclass | Trans<br>Yes | lation  |
|                     | Ref. No.  B1  B2  B3  B4  B5  B6  B7                        | Document Number 2001-190687 EP 0 323 042 EP 0 401 747 EP 0 414 632 EP 0 475 230 EP 0 875 218 EP 0 978 288   | 2/07/02  FOREIGN PA  Date of Publication  7/17/01  7/05/89  12/12/90  2/27/91  3/18/92  | Falotico et al. ATENT DOCUMENTS Country  Japan (Abstract)  EPO  EPO  EPO  EPO  EPO  EPO  EPO  EP  | Class   | Subclass | Trans<br>Yes | lation  |
|                     | Ref. No.  B1  B2  B3  B4  B5  B6                            | Document Number 2001-190687 EP 0 323 042 EP 0 401 747 EP 0 414 632 EP 0 475 230 EP 0 875 218  | 2/07/02  FOREIGN PA  Date of Publication  7/17/01  7/05/89  12/12/90  2/27/91  3/18/92  4/11/98   | Falotico et al. ATENT DOCUMENTS Country  Japan (Abstract) EPO | Class   | Subclass | Trans<br>Yes | lation  |
|                     | Ref. No.  B1  B2  B3  B4  B5  B6  B7                        | Document Number 2001-190687 EP 0 323 042 EP 0 401 747 EP 0 414 632 EP 0 475 230 EP 0 875 218 EP 0 978 288   | 2/07/02  FOREIGN PA  Date of Publication  7/17/01  7/05/89  12/12/90  2/27/91  3/18/92  4/11/98  2/09/00  | Falotico et al. ATENT DOCUMENTS Country  Japan (Abstract)  EPO  EPO  EPO  EPO  EPO  EPO  EPO  EP  | Class   | Subclass | Trans<br>Yes | lation  |
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